

Remarks

Applicants apologize to the Examiner for submitting the improperly numbered claims. The Applicants appreciate the Examiner's efforts to renumber the claims and deal with the application on its merits. Thank you.

Referring to paragraph 1 of the Office Action, Applicants have amended the specification to correct a typographic error regarding the correspondence between figure 3a and 2a. That is, in the specification it was stated figure 3a corresponded to figure 2b while it is clear due to the picture and the specific elements referred to, figure 3a actually corresponds to figure 2a. No new matter has been added by this change to the specification. As such, Applicants submit the rejection of the specification in paragraph 1 is now moot.

Referring to paragraph 2 of the Office Action, Applicants have submitted an amended set of claims with the proper numbering.

Referring to paragraph 3 of the Office Action, Applicants have cancelled claim 1.

Referring to paragraph 4 of the Office Action, several claims were rejected under 35 USC § 112, second paragraph as being indefinite. Applicants have amended several claims to correct the noted deficiencies as well as traverse several of the other claims which the Examiner had rejected. In particular, claim 25 has been amended by the Applicant. Claim 20 was not rejected and the Applicant has no comment. Applicants have amended claim 26 to correct the noted

deficiency.

Referring to claim 27, the Examiner had rejected this claim as being unclear as to what the term “elliptorectangular” means. Applicants traverse this rejection and have the following comment. “Elliptorectangular” is a short-handed way of describing an object having both rectangular portions and elliptical portions. This is plainly evident in the specification and in particular may be seen in figure 3b, where the stent is seen to have flat surfaces as well as elliptorectangular side portions. Applicants submit this term is clear on its face and especially clear when taken in reference to the specification and figures. As such, Applicants have not amended claim 27 and traverse this rejection. Applicants have a similar comment regarding the Examiner’s rejection of claim 33.

Referring to claim 29, the Examiner rejected this claim as being inaccurate, the Examiner reasoned that there is no edge between the bottom side and the left side of the shape shown in figure 3b. Applicants traverse this rejection and note one of the commonly accepted definitions of the term edge support Applicants view. In particular, edge is defined as “the line of intersection of two surfaces: [e.g.] the edge of a brick; the table’s rounded edges.” American Heritage Dictionary, The English Language, 4th edition. As such, the term edge does not require an abrupt transition or pointed edge between two surfaces. Rather, it is an accepted usage of the term edge to refer to a portion of an object that transforms from one plane to another plane. As such, Applicants submit the use of the term edge as seen in claim 29 is, indeed, accurate. Applicants likewise traverse the rejection of claims 30, 34, 35 and 41 on a similar basis.

The Examiner's rejections of claims 38-40 are believed moot in view of the amendment to those claims. In particular, those claims have now been amended to depend from claim 37 (previously claim 19) as compared to the prior dependency from claim 31 (previously claim 13.)

In view of the above, Applicants submit the rejection of the claims under 35 USC § 112 is either moot or overcome and the Examiner's requested to pass the claims to allowance.

Referring to paragraph 7 of the Office Action, claims 1 and 37 were rejected under 35 USC § 103 as unpatentable over Applicants disclosure in view of Alt. Applicants have cancelled claim 1. Applicants traverse the rejection of claim 37 in view of Alt and provide the following comment. Claim 37 concerns a stent having at least one strut, the strut having substantially flat top side and bottom side and left side and right side adjoined to each through smooth rounded edges. Alt, in contrast, does not disclose or provide for a stent having a strut having a flat surface. Such a geometry is important to the functioning of the claimed invention. The specification sets forth among the primary benefits of the present invention is the enhanced radial strength of the stent fashioned in such a manner. The movement of material, through the swaging process, which results in a stent strut having flattened top and bottom portions and smooth rounded side portions ensures that the crowns of the resultant stent have additional material in the areas of high stress and in such a manner creates a stent having excellent radial strength. The Examiner is encouraged to review the specification at page 12, end paragraph et seq.

The Alt reference, in contrast, stands in stark contrast to the profiling and resulting stent strut cross-section of the present invention. Alt merely stands for the fact that a stent may be cut

with a laser and may be elctromachined so as to round the edges. Alt provides that the stent cross-section may be an oval cross-section (shown in figure 5b) and may also have “different rounded cross-section if desired.” Alt, however, fails to disclose a stent according to the present invention. That is a stent having the limitations set forth in claim 37, i.e. “top side is substantially flat.” Rounding a stent strut does not create the present invention. In particular, rounding a strut alone without also flattening a surface results in a poorer performing stent. As taught in the specification, a rounded edge stent has greater “stand-off thickness” and thus increases the overall inner diameter of the stent as compared to the present invention. See page 13 of the specification, line 5. In contrast benefits stent performance, e.g. providing a flat surface on the circumferential portion of the stent optimizes the stent surface to lumen wall coverage. See specification page 6, line 3-6. As such, Applicants submit that Alt fails to disclose or even suggest the elements of the claimed invention. As such, claim 37 should be allowed.

Turning now to paragraph 8 of the Office Action, claims 20-36 and 38-41 were rejected under 35 USC § 103 as unpatentable over Hess. In response to this office action, Applicants have amended claims 20 and 31 to provide a more specific description of the relevant surfaces found in the claims. As such, Applicants submit claims 20-36 and 38-41 are now allowable over Hess.

Conclusion

Applicants submit all the claims are now in condition for an allowance. The Examiner is encouraged to call the undersigned to resolve any issues in order to speed passage of the case to issuance.

Dated this 15 day of April 2003.

Respectfully submitted,

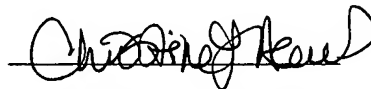


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